AGENDA
CITY PLANNING COMMISSION MEETING
Thursday, May 16, 2019@ 3:00 PM
City Hall Council Chambers
101 First Street SE, Cedar Rapids, IA 52401

Call Meeting to Order

Roll Call

A. Approval of the Minutes

B. Adoption of the Agenda

C. Action Items

1. Case Name: 302 3rd Avenue SW (Conditional Use)
   COND-028770-2019; Case Manager: Dave Houg
   Consideration of a Conditional Use for outdoor service with live entertainment in a U-NG, Urban Neighborhood General District as requested by Kindl, LLC (Applicant) and West Side Wolf Pack (Titleholder).

2. Case Name: 617 Center Point Road NE (Conditional Use)
   COND-028790-2019; Case Manager: Dave Houg
   Consideration of a Conditional Use for tobacco and alcohol sales in a TM, Traditional Mixed-Use Center District as requested by Lynne Gale (Applicant).

3. Case Name: 2505 12th Street SW (Conditional Use)
   COND-028834-2019; Case Manager: Dave Houg
   Consideration of a Conditional Use for a concrete batch plant in an S-MC, Suburban Mixed Use Community Center District as requested by Jeff Rogers (Applicant) and Rogers Concrete (Titleholder).
4. Local Landmark Designation, Witwer Grocery Building

_Presenter: Lauren Freeman_
CONDITIONAL USE
EXECUTIVE SUMMARY
CASE # COND-028408-2019
CASE MANAGER: David Houg

OWNER/APPELLANT INFORMATION

OWNER Name: West Side Wolf Pack LLC

MAILING/PROPERTY ADDRESS: 302 3rd Avenue SW

CONDITIONAL USE REQUEST

Outdoor Alcohol Service Area and Live/Amplified Entertainment

OUTSTANDING ISSUES AND STANDARDS FOR APPROVAL

Residential properties are adjacent to the site.

STAFF RECOMMENDATION

Staff recommends approval subject to conditions.
FINDINGS OF FACT:

1. West Side Wolf Pack, LLC is the owner of record of the subject property.
2. The Future Land Use Map designation is “Downtown.”
3. The property is zoned Urban Neighborhood General District.
4. The property is 16,800 sf in size, and is described as KINGSTON LOTS 9 & STR/LB 10 12
5. The property owner filed the conditional use request with the Development Services Department on April 22, 2019.

CRITERIA:
32.05.09.G, of the Cedar Rapids Municipal Code requires that ALL of the following criteria for the granting of a conditional use be met:

1. The conditional use is permitted in the district where the property is located.

   Staff Conclusion: The conditional use as requested is permitted within the U-NG, Urban Neighborhood General District.

2. The application complies with all use-specific standards applicable to the use, as listed in Sec 32.03, Use-Specific Standards.

   Staff Conclusion: The site development plan conforms to all applicable requirements of Chapter 32, The City’s Zoning Ordinance.

3. The application complies with all other applicable standards of this Code.

   Staff Conclusion: The service area must comply with all applicable codes and regulations.

4. The proposed use and development will be consistent with the intent and purpose of the Future Land Use Map and other elements of the Comprehensive Plan.

   Staff Conclusion: This area is designated as “Urban High Intensity” on the City’s Future Land Use Map. Outdoor service areas and entertainment venues are in accord with this LUTA.
5. There is sufficient compatibility with the adjacent properties and the overall neighborhood. When considering aspects unique to the proposed use as compared to other permitted uses within the same zone district, the reviewing body should consider:

   a) Whether the proposed development of use will be located, designed, constructed, and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property.

   b) Whether the proposed use or development will have adverse effects on existing traffic conditions, parking, utility and service facilities, and other factors affecting the public health, safety, and welfare.

   c) Whether the impacts of the proposed use or development extend beyond that of development that would be permitted by-right in the same zone district.

   d) Whether any additional impacts that may be created as a result of the proposed use or development are acceptable and not a detriment.

   e) Whether any additional impacts that may be created as a result of the proposed use or development have been considered by the applicant and adequate steps have been taken to eliminate or mitigate these impacts.

Staff Conclusion:
The proposed service area’s design is not expected to have a substantially adverse effect on the immediate neighborhood. The site has featured an outdoor service area for years. The additional area will be delineated and secured by fencing. The surrounding area is predominantly commercial with 2 residential dwellings adjacent to the north. The effects of the proposed conditional use are expected to be compatible with the existing conditions of the surrounding area.

6. Adequate conditions can be placed on the approval to eliminate or mitigate any adverse impacts of the proposed use or development.

Staff Conclusion: Staff recommends approval subject to 3 conditions.

STAFF CONCLUDES: The requested outdoor service area is recommended for approval.

ALTERNATIVES:
The Board of Adjustment may consider the following alternatives:

1. Grant the requested conditional use subject to conditions or modifications.
2. Table the requested motion to give the applicant time to modify the application.
3. Deny the requested conditional use.

STAFF RECOMMENDATION:
Staff recommends approval subject to the following conditions:
1. THE OUTDOOR SERVICE AREA SHALL BE CLEARLY DELINEATED BY A FENCE, WALL OR SIMILAR FEATURE THAT MEETS THE DESIGN GUIDELINES FOR THE ZONE DISTRICT. CHAIN LINK FENCE OR TEMPORARY FENCING SHALL NOT BE PERMITTED.

2. THE SERVICE AREA IS SUBJECT TO THE LICENSING REQUIREMENT OF CHAPTER 51 OF THE MUNICIPAL CODE.

3. ALL PARKING, DRIVES, AND SERVICE AREAS ARE TO BE SURFACED PER PROVISIONS OF THE ZONING ORDINANCE. SURFACING TO INCLUDE ASPHALT, CONCRETE OR BRICK.

IT IS THE RESPONSIBILITY OF THE APPLICANT TO COMPLETE ALL CONDITIONS, AS OUTLINED IN THIS STAFF REPORT, PRIOR TO FINAL APPROVAL OF THE CASE. IF YOU HAVE QUESTIONS REGARDING A CONDITION, CONTACT THE DEPARTMENT UNDER WHICH THAT CONDITION IS LISTED. THE CONTACTS' NAMES AND PHONE NUMBERS ARE LISTED BELOW. ITEMS IN THE COMMENTS SECTION ARE NOT A REQUIREMENT TO BE MET PRIOR TO APPROVAL. THEY ARE INTENDED TO INCREASE YOUR KNOWLEDGE AND AWARENESS OF ISSUES THAT MAY POSSIBLY EXIST ON THE PROPERTY.
CONDITIONAL USE
EXECUTIVE SUMMARY
CASE # COND-028790-2019
CASE MANAGER: David Houg

OWNER/APPELLANT INFORMATION

OWNER Name: West Side Wolf Pack III, LLC

MAILING/PROPERTY ADDRESS: 617 Center Point Road NE

CONDITIONAL USE REQUEST

Level II tobacco and alcohol sales in a T-MC District

OUTSTANDING ISSUES AND STANDARDS FOR APPROVAL

300’ separation from Pre-K-12 schools is required.

STAFF RECOMMENDATION

Staff recommends approval.
FINDINGS OF FACT:

1. West Side Wolf Pack III, LLC is the owner of record of the subject property.

2. The Future Land Use Map designation is Urban Medium Intensity.

3. The property is zoned Traditional Mixed Use Center District.

4. The property is 1.65 acres in size, and is described as A P 47 NW OF IA ELEC LT & PWR CO S 30' STRIP & (LESS SW 150') NE 400' STR/LB 5.

5. The property owner filed the conditional use request with the Development Services Department on April 24, 2019.

CRITERIA:

32.05.09.G, of the Cedar Rapids Municipal Code requires that ALL of the following criteria for the granting of a conditional use be met:

1. The conditional use is permitted in the district where the property is located.

   Staff Conclusion: The conditional use as requested is permitted within the T-MC, Traditional Mixed Use Center District.

2. The application complies with all use-specific standards applicable to the use, as listed in Sec 32.03, Use-Specific Standards.

   Staff Conclusion: The site development plan conforms to all applicable requirements of Chapter 32, The City’s Zoning Ordinance.

3. The application complies with all other applicable standards of this Code.

   Staff Conclusion: The site development plan conforms with all applicable standards.

4. The proposed use and development will be consistent with the intent and purpose of the Future Land Use Map and other elements of the Comprehensive Plan.

   Staff Conclusion: This area is designated as “Urban Medium Intensity” on the City’s Future Land Use Map. The requested use is in accord with this LUTA.
5. There is sufficient compatibility with the adjacent properties and the overall neighborhood. When considering aspects unique to the proposed use as compared to other permitted uses within the same zone district, the reviewing body should consider:

   a) Whether the proposed development of use will be located, designed, constructed, and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property.

   b) Whether the proposed use or development will have adverse effects on existing traffic conditions, parking, utility and service facilities, and other factors affecting the public health, safety, and welfare.

   c) Whether the impacts of the proposed use or development extend beyond that of development that would be permitted by-right in the same zone district.

   d) Whether any additional impacts that may be created as a result of the proposed use or development are acceptable and not a detriment.

   e) Whether any additional impacts that may be created as a result of the proposed use or development have been considered by the applicant and adequate steps have been taken to eliminate or mitigate these impacts.

Staff Conclusion:
The location is compatible with the surrounding neighborhood. The immediate area is developed with commercial uses. The effects of the proposed conditional use are expected to be compatible with the existing conditions in the surrounding area.

6. Adequate conditions can be placed on the approval to eliminate or mitigate any adverse impacts of the proposed use or development.

Staff Conclusion: Staff recommends approval subject to 1 condition.

STAFF CONCLUDES: The requested conditional use is recommended for approval.

ALTERNATIVES:
The Board of Adjustment may consider the following alternatives:

1. Grant the requested conditional use subject to conditions or modifications.
2. Table the requested motion to give the applicant time to modify the application.
3. Deny the requested conditional use.

STAFF RECOMMENDATION:
Staff recommends approval of the Conditional Use request subject to the following condition:

1. THE PROPERTY IS SUBJECT TO THE LICENSING REQUIREMENTS FOR LIQUOR AND TOBACCO SALES.
IT IS THE RESPONSIBILITY OF THE APPLICANT TO COMPLETE ALL CONDITIONS, AS OUTLINED IN THIS STAFF REPORT, PRIOR TO FINAL APPROVAL OF THE CASE. IF YOU HAVE QUESTIONS REGARDING A CONDITION, CONTACT THE DEPARTMENT UNDER WHICH THAT CONDITION IS LISTED. THE CONTACTS’ NAMES AND PHONE NUMBERS ARE LISTED BELOW. ITEMS IN THE COMMENTS SECTION ARE NOT A REQUIREMENT TO BE MET PRIOR TO APPROVAL. THEY ARE INTENDED TO INCREASE YOUR KNOWLEDGE AND AWARENESS OF ISSUES THAT MAY POSSIBLY EXIST ON THE PROPERTY.
DRIVEWAYS ARE 34 ft.
PARKING SPACES ARE 97 ft
641 - 1,300 - Chron City
611 - 6,100 sq - Krueh & Peck
615 - 3,000 - Dna Duds
613 - 2,400 - Vacant
611 - 3,000 - микс computers
619 - 4,000 - Vacant

Not sure about addresses beside 611 to the Right

Booth Drive through 15 46 ft
Side Between 617 & 621 - 30 ft
Front - $3,000

Tina Jones
319-461-6298

Approved for 83
Parking spaces (including handicapped accessible)
2/3/09
<table>
<thead>
<tr>
<th>OWNER/APPELLANT INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>OWNER Name:</td>
</tr>
<tr>
<td>MAILING/PROPERTY ADDRESS:</td>
</tr>
</tbody>
</table>

## CONDITIONAL USE REQUEST

Intensive processing use in an I-GI District

## OUTSTANDING ISSUES AND STANDARDS FOR APPROVAL

Noise and dust pollution

## STAFF RECOMMENDATION

Staff recommends approval.
FINDINGS OF FACT:

1. Rogers Concrete Construction, Inc. is the owner of record of the subject property.

2. The Future Land Use Map designation is Urban High Intensity.

3. The property is zoned General Industrial District.

4. The property is 1.65 acres in size, and is described as LANDS (LESS ST) SW’LY OF C R & I C RR N 725’ NW SE STR/LB 32 83 7

5. The property owner filed the conditional use request with the Development Services Department on May 1, 2019.

CRITERIA:
32.05.09.G, of the Cedar Rapids Municipal Code requires that ALL of the following criteria for the granting of a conditional use be met:

1. The conditional use is permitted in the district where the property is located.

   Staff Conclusion: The conditional use as requested is permitted within the I-GI, General Industrial District.

2. The application complies with all use-specific standards applicable to the use, as listed in Sec 32.03, Use-Specific Standards.

   Staff Conclusion: The site development plan conforms to all applicable requirements of Chapter 32, The City’s Zoning Ordinance.

3. The application complies with all other applicable standards of this Code.

   Staff Conclusion: The site development plan conforms with all applicable standards.

4. The proposed use and development will be consistent with the intent and purpose of the Future Land Use Map and other elements of the Comprehensive Plan.

   Staff Conclusion: This area is designated as “Urban High Intensity” on the City’s Future Land Use Map. The requested use is in accord with this LUTA.
5. There is sufficient compatibility with the adjacent properties and the overall neighborhood. When considering aspects unique to the proposed use as compared to other permitted uses within the same zone district, the reviewing body should consider:

   a) Whether the proposed development of use will be located, designed, constructed, and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property.

   b) Whether the proposed use or development will have adverse effects on existing traffic conditions, parking, utility and service facilities, and other factors affecting the public health, safety, and welfare.

   c) Whether the impacts of the proposed use or development extend beyond that of development that would be permitted by-right in the same zone district.

   d) Whether any additional impacts that may be created as a result of the proposed use or development are acceptable and not a detriment.

   e) Whether any additional impacts that may be created as a result of the proposed use or development have been considered by the applicant and adequate steps have been taken to eliminate or mitigate these impacts.

   **Staff Conclusion:**
   The location is compatible with the surrounding neighborhood. The immediate area is developed with industrial uses. If properly managed, the effects of the proposed conditional use are not expected to have substantially adverse effects on the surrounding area.

6. Adequate conditions can be placed on the approval to eliminate or mitigate any adverse impacts of the proposed use or development.

   **Staff Conclusion:** Staff recommends approval subject to 5 conditions.

---

**STAFF CONCLUDES:** The requested conditional use is recommended for approval.

---

**ALTERNATIVES:**

The Board of Adjustment may consider the following alternatives:

1. Grant the requested conditional use subject to conditions or modifications.
2. Table the requested motion to give the applicant time to modify the application.
3. Deny the requested conditional use.

**STAFF RECOMMENDATION:**

Staff recommends approval of the Conditional Use request subject to the following conditions:

1. ALL PARKING, DRIVES, AND STORAGE AREAS ARE TO BE SURFACED PER PROVISIONS OF THE ZONING ORDINANCE. SURFACING TO INCLUDE ASPHALT, CONCRETE OR BRICK.
2. REQUIRED OFF-STREET PARKING BE PROVIDED PER PROVISIONS OF THE ZONING ORDINANCE.
3. ALL LIGHTING SHALL BE OF A TYPE, DESIGN AND PLACEMENT, AND ALSO BE SHIELDED IN A MANNER TO
MINIMIZE IMPACT ON ADJACENT USES OR IMMEDIATELY ACROSS THE STREET AS PER SUBSECTION 32.04.07 OF
THE ZONING ORDINANCE.
4. TREE MITIGATION WILL BE REQUIRED.
5. ADEQUATE MEASURES SHALL BE TAKEN TO REDUCE NOISE, ODOR, AND DUST POLLUTION, AS MAY BE REQUIRED
BY STATE AND LOCAL REGULATORS INCLUDING THE LINN CO. HEALTH DEPT.

IT IS THE RESPONSIBILITY OF THE APPLICANT TO COMPLETE ALL CONDITIONS, AS OUTLINED IN THIS STAFF REPORT,
PRIOR TO FINAL APPROVAL OF THE CASE. IF YOU HAVE QUESTIONS REGARDING A CONDITION, CONTACT THE
DEPARTMENT UNDER WHICH THAT CONDITION IS LISTED. THE CONTACTS' NAMES AND PHONE NUMBERS ARE LISTED
BELOW. ITEMS IN THE COMMENTS SECTION ARE NOT A REQUIREMENT TO BE MET PRIOR TO APPROVAL. THEY ARE
INTENDED TO INCREASE YOUR KNOWLEDGE AND AWARENESS OF ISSUES THAT MAY POSSIBLY EXIST ON THE PROPERTY.
To: City Planning Commission  
From: Historic Preservation Commission Members through Lauren Freeman, CD Program Coordinator and Staff Liaison to Historic Preservation Commission  
Subject: Local Landmark Application for 905 3rd Street SE  
Date: May 16, 2019

Background: Chapter 18 of the City of Cedar Rapids Municipal Code, section 18.05 outlines the process for which a property can be designated a local landmark or district. The owner of the property has requested this local landmark designation. The property subject to review is the Witwer Grocery Company Building, known more recently as the Bottleworks Loft Condominiums, located at 905 3rd Street SE in Cedar Rapids.

The Cedar Rapids Historic Preservation Commission (HPC) held a public hearing on February 14, 2019 during their regularly scheduled meeting to discuss the application for local landmark status. The main points of the discussion included:

- The Witwer Grocery Company Building was built in 1946 and was listed on the National Register of Historic Places in 1998 under Criterion A.
- This building is significant due to its historic connection to industrial corridor development, including details such as:
  - It was the last multi-story factory/warehouse built along any of the Cedar Rapids’ railroad industrial corridors
  - It was built at the end of World War II and became an important locally-owned grocery wholesaler in Cedar Rapids
  - It housed many different modern food processing operations, as well as packaging facilities, cold storage areas, a bottling works, and general warehousing space.
- In 2008, the Witwer building was adapted into what is now known as the Bottleworks Loft Condominiums. The developers involved with that project remained consistent with the National Register guidelines to retain the building’s historic integrity.

At the February 14 meeting, HPC recommended advancement of the application to the State Historic Preservation Office (SHPO) for review and comment. Those comments were received on April 24, 2019.

City Planning Commission Review: Section 18.05.C.3 of the Cedar Rapids Municipal Code requires review by the City Planning Commission and a recommendation regarding landmark status of the property to the City Council within 60 days of receiving comments from SHPO. The City Council will review all the comments and make the final determination on whether the house receives local historic landmark status.
If the local historic landmark status is granted, the City Planning Commission still will review all land use applications on the property as with any other property within the Cedar Rapids corporate limits. The Historic Preservation Commission will review proposals for modification to the exterior of the structure or additions of other structures to the property through the Certificate of Appropriateness (COA) process, similar to the local historic districts.